

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DIVISION OF ALABAMA
SOUTHERN DIVISION**

| | | |
|-------------------------------------|---|--|
| ANTHONY RICHARDS, SR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO.: 1:07-cv-261-WKW |
| |) | |
| SHERIFF DAVE SUTTON, et al., |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' ANSWER

COME NOW Coffee County Sheriff Dave Sutton and Coffee County Jail Administrator Richard Moss, Defendants in the above-styled cause, and answer the Plaintiff's Amended Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, Anthony Richards, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Amended Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's federal claims.
3. The Defendants in this action, in both their individual and official capacities, are entitled to absolute immunity from the Plaintiff's state law claims.

4. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

5. Defendants in their official capacities are not "persons" under 42 U.S.C. § 1983.

6. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

7. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.

8. Defendants are not liable based upon *respondeat superior* theories of liability.

9. Defendants reserve the right to supplement this Answer by adding additional affirmative defenses as the facts of this case are developed and if discovery is ordered by the Court.

Respectfully submitted this 15th day of June, 2007.

s/Joseph L. Hubbard, Jr.

GARY L. WILLFORD, JR., Bar Number: WIL198

JOSEPH L. HUBBARD, JR., Bar Number HUB015

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of June, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Anthony Richards #243996
Easterling Correctional Facility
200 Wallace Drive
Clio, AL 36017

s/Joseph L. Hubbard, Jr.
OF COUNSEL